

1           **I make the following FINDINGS - that the Defendant**  
2 **understands:**

- 3       1. the right to persist in a plea of "not guilty";
- 4       2. the right to a speedy and public trial;
- 5       3. the right to be tried by a jury, or the ability to  
6            waive that right and have a judge try the case without  
7            a jury;
- 8       4. the right to the assistance of counsel at trial;
- 9       5. that, at trial, there would be the right to confront  
10           and cross-examine the witnesses against the Defendant;
- 11       6. that, at trial, there is the right to present a  
12            defense, and the right to have witnesses subpoenaed to  
13            testify on the Defendant's behalf;
- 14       7. that, at trial, the Defendant would have the right  
15            against compelled self-incrimination;
- 16       8. the nature of the charge filed in this case;
- 17       9. the maximum possible sentence that could be imposed  
18            (including imprisonment, fine, term of supervised  
19            release, and mandatory special assessment), the effect  
20            of a supervised release term, and that the sentencing  
21            guidelines are only advisory so that the Court may  
22            sentence Defendant up to the statutory maximum;
- 23       10. the terms of the plea agreement;

24 **I further find that:**

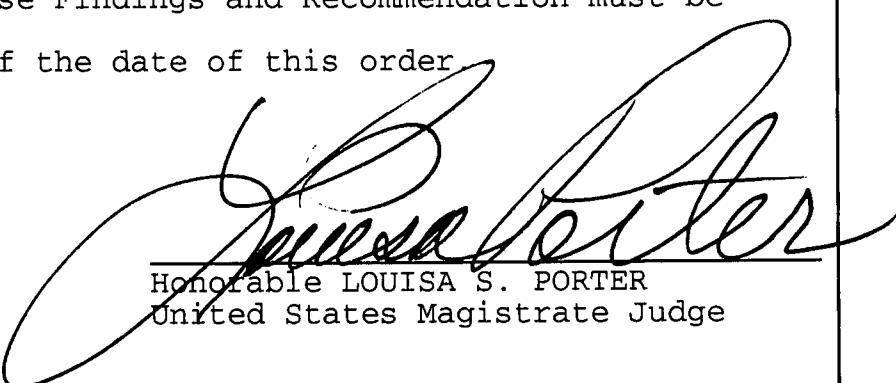
- 25       11. that Defendant's plea of guilty is made knowingly and  
26            voluntarily;
- 27       12. the Defendant is competent to enter a plea; and
- 28       13. there is a factual basis for Defendant's plea.

1 I therefore RECOMMEND that the District Judge accept the  
2 Defendant's plea of guilty.

3 The sentencing hearing will be before United States District  
4 Judge JANIS L. SAMMARTINO, on 9/12/08, at 9:00AM.

5 .  
6 Objections to these Findings and Recommendation must be  
7 filed within 14 days of the date of this order

8  
9  
10 Dated: 06/24/2008

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12   
Honorable LOUISA S. PORTER  
United States Magistrate Judge

13 Copies to:

14 Hon. JANIS L. SAMMARTINO  
U.S. District Judge

15 United States Attorney

16 Counsel for Defendant

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